

XXXVII. SEARCH AND SEIZURE

Student's possessions can be searched if there is a reasonable suspicion that the specific student violated the law or school rules. A school administrator or teacher may seize any contraband that is illegal or that violates school rules, including weapons or drugs. Lockers, desks, and other school property can be searched at any time for any reason, with or without notice. Parents will be notified of searches and seizures. They will be conducted by staff, including one administrator and not in sight of other students. Potentially invasive searches will be conducted by staff members of the same sex as the student and in privacy. The school will keep the results of all searches confidential, except to report illegal activity to the proper authorities. Disciplinary action will be taken against staff that violates these provisions.

XXXVIII. MANDATORY ABUSE REPORTING

All Einstein employees have the obligation to report suspected child abuse or neglect. Abuse is a non-accidental physical, sexual, or emotional injury.

Neglect is failure to fulfill a child's physical or emotional needs. It is a criminal misdemeanor for any school employee to fail to report child abuse.

XXXIX. HARASSMENT POLICY

Harassment, whether sexual, due to disability, race, verbal, nonverbal, physical, (list may not be all inclusive), is strictly prohibited. If someone suspects they are a victim of harassment, it is to be reported immediately to the Principal. The Principal will investigate the claim and share the findings with the alleged victim and his/her parent/guardian. The Principal will take the necessary steps to discipline the accused if the findings warrant.

XL. STUDENT DISCIPLINE

A Positive Behavior Support Program focusing on teaching students to interact in positive ways will be implemented. Teachers will also incorporate an assertive discipline plan in their class. Teachers will clearly articulate the classroom/school rules to students assuring that all students understand the behavior expected of them. Parents will receive copies of the rules. For student infractions, the teacher will follow the process listed below.

- The teacher will provide one on one counseling with the student.
- The teacher will notify the parent/guardian by phone/letter.
- The teacher will arrange and conduct a parent/teacher conference and document outcome. A behavioral management plan will be written with the parent and student necessary.
- If the behavior continues, the teacher will refer the student to the Lead Teacher and complete a discipline referral form. The teacher will also

provide copies of the parent contact log and the behavior management plan, (if applicable), to the Positive Behavioral Interventionist or Principal Designee.

- The Positive Behavioral Interventionist or Principal Designee will arrange and conduct a Parent/Administrative conference, at which time the parent will be informed of consequences the student will receive due to his/her non compliance of the rule(s).
- The Positive Behavior/Principal Designee will also inform the parent if a referral to the Student Assistance Team will transpire.
- For infractions in which school personnel deem minor, students may receive "time out", or lose some of their privileges for which the parent may not be notified. **An in school suspension may be assigned** if a student's behavior warrants removal from the scheduled class. **In school suspension involves a student's reassignment to another class and/or Positive Behavior room** during which time the student discusses the behavioral infraction and completes assigned work.
- **Special education discipline procedures will be followed for all disabled students, including 504 students.**

In the event the student is involved in behaviors such as fighting, or any other activity deemed a serious offense by the principal or designee the student may receive an immediate suspension and/or proceed with expulsion **Discipline procedures for disabled students, IDEA and 504, comply with district, state and federal regulations.** Student/Parents Rights Handbooks/information for Disabled Students are given to all disabled and 504 students.

Behaviors that warrant suspension are as follows:

- Intentionally providing false information to an employee
- Creating a disturbance in the classroom, campus, and/or school sponsored activity **repeatedly**
- Not adhering to the rules that govern technology use.
- Third warning for dress code violation
- Trespassing
- Written or verbal proposition to engage in a sex act
- Inappropriate touching or advances with sexual overtones
- Leaving the school campus without permission
- Intentional disrespect for authority/willful disobedience that interferes with the well being of other students or that prevents the teacher from carrying on class activities
- Use of profane/obscene language
- Fighting
- Gambling
- Extortion or threats
- Harassment, intimidation, and bullying of students by other students
- Possession of stolen property
- Possession of/igniting fireworks or firecracker or laser pointer/pen

- Theft (stealing) of an amount of money less than a \$100.00, or an object valued at less than \$100.00
- Inappropriate behavior on field trips
- Assault (verbal threats) to any School Employee
- Major disruption on a school bus or RTA bus
- Battery (without bodily injury) on another student
- Vandalism of school employee's property or other students' property, textbooks, or other articles of value
- Any other offense which the Lead Teacher judges to warrant suspension
- In accordance with the Special Education Discipline Procedures, a Manifestation Determination will be conducted on special education and 504 students after the 3rd offense to determine if the behavior is related to the student's disabling condition.

Any student, after being suspended on three occasions for committing any suspendable offense during the same school session, shall on committing the fourth offense, be expelled from Einstein Charter until the beginning of the next regular session. **In accordance with state regulations/federal regulations,/district policy and as outlined in the Student/Parents' Rights booklet for Disabled youngsters, a disabled student may NOT be out of school for more than 10 days per school year for disciplinary actions. Einstein adheres to all federal/state/local regulations.**

Behaviors that warrant recommendation for Expulsion are as follows:

Students receiving a fourth suspension after receiving three previous suspensions in the same school year shall on committing the fourth offense be expelled from Einstein for a minimum of one semester/90 days. **Discipline procedures for Disabled youngsters follow federal/state/local regulations.**

Behaviors that warrant recommendation for expulsion and for the school to call the police if so deemed necessary are as follows:

- Battery with bodily injury to another student at school or any school related activity-Minimum 90 days (1 semester).
- Battery to a school employee at school or any school related activity-Minimum 90 days (1 semester).
- Possession, use, concealment, or transmittal of illegal drugs or alcohol at school or school related activities-12 calendar months-grades 6-12.
- Arson (willful burning of any part of the school building or property there in) Minimum 90 days (1 semester) Student will not be returned from expulsion until payment/written arrangements for restitution are made.
- Theft (stealing) or extortion of property valued at \$100.00 or more-Minimum 90 days (1 semester); Student will not be returned from expulsion until payment/written arrangements for restitution are made.
- Robbery (taking anything of value from another by the use of force or intimidation)-Minimum 90 days (1 semester).

- Burglary of school property (unauthorized entering of any school building or vehicle with the intent to commit theft or damages) - Minimum 90 days (1 semester); Student will not be returned from expulsion until payment/written arrangements for restitution are made.
- Burglary or damage of any vehicle; unauthorized entering of any vehicle parked on or near school property with the intent to commit theft or school damage Minimum 90 days (1 semester). Student will not be returned from expulsion until payment or written arrangements for restitution are made.
- Possession, use, transmittal, or concealment of firearms/guns; including pistols; rifles; zip guns; shot guns; loaded or unloaded BB guns; starter guns; explosive propellants or destructive devices whether operable or inoperable.(12 calendar months).
- Possession, use, transmittal, or concealment of a knife, including, but not limited to a switch blade; pen knife; and similar objects (Minimum 90 days, 1 semester).
- (K-5) Possession, use, transmittal, or concealment of a knife but not limited to a switch blade; pen knife; and similar objects. (Consequences are at the discretion of Administration which can include expulsion).
- Possession, use, transmittal or concealment of other weapons including, but not limited to a razor blade; ice pick; dirk; or other sharp instruments; nunchukas; brass knuckles; pipe; Chinese star; Billy club; machete; mace; tear gas gun; or electric weapons or devices such as a stun gun. Minimum 90 days (1 semester) 12 calendar months.
- Miscellaneous: use of any object or substance to harm, frighten or intimidate others, including but not limited to, rocks, pens ,etc.
- Bomb Threats/Setting off fire alarms-expulsion.
- Participating or causing a disturbance at school or school related activities, e.g., riot, gang fights, or similar disturbances-expulsion.

A STUDENT, WHILE UNDER SUSPENSION OR EXPULSION, SHALL NOT ENJOY THE RIGHT OF PARTICIPATING IN ANY SCHOOL ACTIVITY ON THE SCHOOL SITE OR AT ANOTHER LOCATION, NOR WILL THEY BE PERMITTED ON SCHOOL GROUNDS.

DEFINITIONS

"MISBEHAVIOR"- is defined as a student exhibiting behavior(s) which is/are contrary to class, school, District, and/or State rules and regulations. The exhibited behavior(s) by the student is contrary to the best interest of the student or others in the instructional setting of the school and/or at school sponsored activities. Misbehavior(s) may result in suspension or expulsion from the school.

"DETENTION"- May be assigned by teachers or Leadership Team Members. If a student receives a detention, they will be given a school detention letter at least one day prior to the detention to be served is scheduled, containing the date, time, duration of detention, and the reason for it being given. The letter must be signed by the parent/guardian and returned the next day. If an after school detention is missed, it will be doubled. If the second one is missed, suspension may result.

"OUT OF SCHOOL SUSPENSION"- Parents/Guardians will be notified if their child is suspended and the reason for the suspension. A school letter of suspension will be sent home to the parents/guardians with the conditions fully noted. Following the suspension, there must be a readmit conference with the Principal/ Designee before the student can attend class. Students are not permitted to attend school or any school related activity unless the suspension was served in its entirety and parent/guardian attended the readmit conference.

Suspensions are considered excused absences. **IT IS THE RESPONSIBILITY OF THE PARENT/GUARDIAN/STUDENT TO REQUEST MAKE-UP WORK FROM THE TEACHER IN A TIMELY AND APPROPRIATE MANNER.** As with any excused absence, students have equal number of days to submit their work. Parents may request work for extended suspensions. Assignments will be graded as though the student were in class. Tests, quizzes, and exams given during the suspension must be made up with in five days of the student's return from suspension. Out of school suspensions can last from 1 full school day to 5 full school days. **Disabled students may be suspended for up to 5 days per offense. However, a DISABLED student (504 students/Special Education-including speech only students) MAY NOT be out of school for more than a total of 10 days per school year for disciplinary actions.**

EXPULSION-Serious misbehavior/misconduct by students may result in expulsion (up to one calendar year) or exclusion (for the balance of the school year). **Special education discipline procedures will be followed for any disabled student recommended expulsion as per district/state/federal regulations.**

Attendance of suspended child, parent/guardian for part of the school day:

Whenever a student is suspended from school, the teacher from which the student received the suspension recommendation may require a student's parent/guardian to attend a portion of the school day in that class. After completing a classroom visit, and before leaving the school premises, a parent/guardian also shall meet with the Principal/Designee.

Due Process: School actions prior to suspension/recommendation for expulsion

1. Conference is conducted by the Principal/designee. Student is encouraged to discuss what transpired.
2. Principal/Designee shall contact and conduct a conference with the parent/ guardian about the alleged incident to discuss consequences prior to suspension.
3. Principal/designee will determine disciplinary action to be taken.
4. Disciplinary form(s) will be completed and signed by Principal/designee.
5. If the parent/guardian refuses to attend/respond to the conference, the student shall be removed or suspended and either of the following may occur:
 - A. A notice shall be sent by certified mail if the parent has not attended or responded to contact/call to discuss the alleged incident and consequence(s) prior to disciplinary action.
 - B. Required disciplinary form (official notice of disciplinary action) will be given to the parent/guardian either in person or mail within 24 hours by the school, and all Leadership Team Members will be informed of the incident and disciplinary action.
7. A disabled student may not be out of school for more than 10 days for a disciplinary action as per the rights of a disabled student.

Due Process: Parent Appeal (Suspension)

1. **The parent/legal guardian has the right to appeal.**
2. Submit written statement of appeal request within 5 (five) school days after the beginning date of the suspension to the School Leadership Team with a copy of the disciplinary action form.
3. The School Leadership Team will assess the merits of the case. The appellant will be notified of the meeting date and has a right to attend. The School Leadership Team will render a decision to the appellant.
4. The decision of the Leadership Team shall be final.

Due Process: School Actions Prior to Recommendation for Expulsion

1. Conference is conducted by Principal/designee. Student tells what happens.
2. Principal/designee contacts and conducts a conference with the parent/guardian about the alleged action to determine the consequence prior to Recommendation for Expulsion.
3. Principal contacts the Leadership Team I following the Recommendation for Expulsion for a due process hearing.

4. Discipline procedures for Disabled students including 504 students are followed in conjunction with district/state/federal regulations. Disabled youngsters may not be out of school for more than a total of 10 day per school year for disciplinary actions. A manifestation determination must be conducted within 24 hours of the recommendation for expulsion.
5. Re-admission following the term of expulsion must be processed through the Leadership Team.

Due Process: Actions Following Recommendation for Expulsion

1. A Hearing will be scheduled by the Leadership Team Level I within 8 school days of the infraction on the disciplinary report.
2. At the hearing, a decision is rendered by the Leadership Team Level I to expel or to take other corrective disciplinary action.
3. **Discipline procedures for disabled students (including 504 students and Speech Only students)** will follow district /state and federal regulations regarding the relationship of "relatedness to the exceptionality". Students will be directed to the district special education office /or their designee for an alternative setting if appropriate. **Disabled students may not be out of school for more than a total of 10 day per school year for disciplinary actions.**

Due Process: Parent Appeal (Expulsion)

1. **Parent/Guardian has the right to appeal the decision of the Level I Leadership.**
2. Parent/Guardian must submit a written statement of appeal request to the Principal/Leadership Team Designee within five (5) days after the date of the decision rendered by the Level I School Leadership Team.
3. The Principal/Principal Designee will schedule a full Disciplinary Hearing Committee with the Level 2 Leadership Team. Parent/Guardian and/or student, if applicable, may be in attendance. Other individuals deemed relevant by any party may attend according to due-process guidelines.
4. The Level 2 Leadership Hearing Committee will consist of Leadership Team Members, and a minimum of one authorized school administrator.
5. Permission for other individuals to attend the Level 2 Leadership Hearing, other than those persons indicated above, must be given prior, timely notice and receive permission from the School Leadership Team according to designated guidelines.
6. The parent, tutor or legal guardian may further appeal the Level 2 Hearing Committee's decision within ten (10) calendar to the Einstein Board of Directors.

CORPORAL PUNISHMENT IS STRICTLY PROHIBITED UNDER ANY CIRCUMSTANCE AT EINSTEIN CHARTER SCHOOL BY EITHER PARENTS/GUARDIANS OR SCHOOL PERSONNEL.